



Denying Services: What is the Hyde Amendment?

First implemented in 1977, the Hyde Amendment forbids the use of federal funds for abortions except in cases of rape or incest, or if the pregnant woman's life is endangered. This restriction denies abortion coverage to many of those enrolled in Medicaid, as well as federal employees enrolled in government-funded health insurance. The Hyde Amendment is not a permanent law; rather, it is an amendment Congress attaches every year to the Health and Human Services (HHS) appropriations bill.

FAST FACTS

What is it?

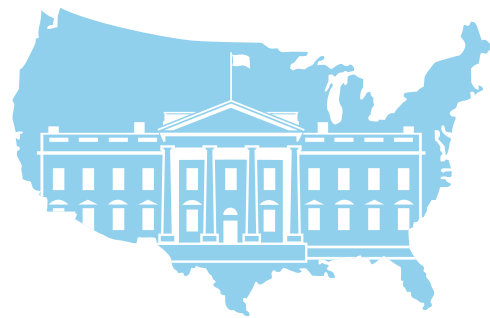
An anti-abortion policy that prevents federal funds being used for abortion services except in cases of rape, incest, or a threat to the pregnant woman's life.

Why is it Important?

The Hyde Amendment prevents millions of Americans, especially those on Medicaid, from accessing abortion services.

What Needs to Happen?

The U.S. government must repeal the Hyde Amendment, either by deleting the language from the HHS appropriations bill or by passing the *Equal Access to Abortion Coverage in Health Insurance (EACH) Act*, which would restore abortion services coverage for anyone enrolled in federally funded health insurance as well as require federal facilities to provide abortion services.



Hyde Amendment Bars Federal Funding for Abortion Services

Implemented in 1977, just three years after the Supreme Court's ruling on *Roe v. Wade*, the Hyde Amendment prohibits the use of federal funds for abortion services. While three possible exceptions have been added since 1994 (threat to life, rape, or incest), the Hyde Amendment restricts access to services for many Americans, especially those enrolled in Medicaid. States have the option to use state funds to subsidize abortion services for Medicaid patients, but most choose not to.¹ Hyde is not a permanent law, but an amendment to the HHS budget that must be renewed annually as part of the appropriations process. It has been renewed every year by Congress since 1973 despite numerous calls for it to be repealed.²

PROJECT 2025

What Can We Expect in the Future?

Project 2025—also known as the Presidential Transition Project—is a broad vision led by the Heritage Foundation that contains many anti-abortion policies, including enshrining the Hyde Amendment in legislation by passing the *No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act of 2023*. Additionally, Project 2025 calls for an audit of Hyde to ensure state-by-state compliance and withdrawing Medicaid funds for states that require insurance to cover abortion services.

This conservative agenda also outlines a plan to exacerbate Hyde Amendment restrictions by prohibiting organizations like Planned Parenthood Federation of America—the largest single abortion provider in the U.S.—from receiving any federal funds at all, even for non-abortion services, and redirecting those funds to women’s clinics that do not provide abortion.^{3,4} These kinds of closures force vulnerable pregnant women to travel out of state or seek care at pronatalist women’s clinics, many of which have been found to use coercive tactics to convince women to carry a pregnancy to term.⁵

The Hyde Amendment Restricts Abortion Access for America’s Most Vulnerable

“[The Hyde Amendment is] designed to deprive poor and minority women of the constitutional right to choose abortion.”

— Supreme Court Justice Thurgood Marshall⁶

Because Hyde restricts abortion access for Medicaid patients, Black people and other people of color are disproportionately affected. Due to systemic racial inequity, Black people have higher rates of Medicaid eligibility, unintended pregnancy, and most importantly, are more likely to struggle to pay for an abortion.⁷ Black people make up almost 20% of federal employees, whose health insurance Hyde also restricts.⁸ Additionally, because of Hyde, Indian Health Services, federal prisons, immigration detention centers, and many other federally funded programs that provide care for a disproportionate number of racial and ethnic minorities have major restrictions to their ability to cover abortion services for their patients.⁹

When marginalized women seek an abortion, they are often forced to go to extreme lengths forgoing school, rent, and even food to save the needed funds.¹⁰ These situations are exacerbated by the many states that restrict legal abortion access or simply do not allow state funding for Medicaid to cover abortion services. Women living in states with abortion bans are forced to pay for both travel and

abortion services and, even if they traveled to a state that subsidized abortion services for Medicaid patients, most would not be able to access the funds unless they reside in that state.¹¹

An Unpopular Policy Remains in a Divided Congress

While some members of Congress continue to voice strong support for repealing the Hyde Amendment, its future remains uncertain. The *EACH Act* was introduced by Rep. Barbara Lee in 2023 but has yet to come to a vote in the House or the Senate. As an annual budget amendment, Hyde is easier to repeal than a federal abortion ban, but just as easy to reinstate without federal and legal protection.

Despite the narrow path to repeal, opposition to abortion restrictions like the Hyde Amendment among Americans continues to grow. Abortion rights continue to gain popularity among Americans, especially young people. Recent polls found that 64% of people ages 18 to 29 identify as pro-choice, and only 11% of that age group believe that abortion should be banned without exceptions.¹² If Congress seeks to revoke decades of anti-abortion policy, they must capitalize on the growing cohort of young abortion rights supporters.

The Hyde Amendment is a strategy that denies marginalized people their rightful healthcare. It is a discriminatory policy that interferes with deeply private and personal healthcare decisions. To protect the health of the most vulnerable Americans, Hyde must end.

Endnotes

- 1 Guttmacher Institute. 2023. State Funding for Abortion Under Medicaid. <https://www.guttmacher.org/state-policy/explore/state-funding-abortion-under-medicaid>.
- 2 Guttmacher Institute. 2023. State Funding for Abortion Under Medicaid.
- 3 Planned Parenthood. 2024. The History of Planned Parenthood. <https://www.plannedparenthood.org/about-us/who-we-are/our-history>.
- 4 Heritage Foundation. 2023. Project 2025: A Presidential Transition Project. <https://www.project2025.org/>.
- 5 Bryant, A. G., and Swartz, J. J. 2018. Why crisis pregnancy centers are legal but unethical. *AMA Journal of Ethics* 20(3), 269-277. <https://journalofethics.ama-assn.org/article/why-crisis-pregnancy-centers-are-legal-unethical/2018-03>.
- 6 Legal Information Institute. 1980. Patricia R. Harris v. Cora McRae, et al. <https://www.law.cornell.edu/supremecourt/text/448/297>.
- 7 Upadhyay, U. D. 2022. Trends In Self-Pay Charges and Insurance Acceptance for Abortion in the United States, 2017-20. *Health Affairs* 41(4), 507-515. <https://www.healthaffairs.org/doi/10.1377/hlthaff.2021.01528>.
- 8 USA Facts. 2023. Three Charts on Diversity in the Federal Government's Workforce. <https://usafacts.org/articles/three-charts-on-diversity-in-the-federal-governments-workforce/>.
- 9 Salganicoff, A., Sobel, L., Gomez, H., and Ramaswamy, A. 2024. The Hyde Amendment and Coverage for Abortion Services Under Medicaid in the Post-Roe Era. <https://www.kff.org/womens-health-policy/issue-brief/the-hyde-amendment-and-coverage-for-abortion-services-under-medicaid-in-the-post-roe-era/>.
- 10 Planned Parenthood. 2024. Federal and State Bans and Restrictions on Abortion (Hyde Amendment). Planned Parenthood Action Fund. <https://www.plannedparenthoodaction.org/issues/abortion/federal-and-state-bans-and-restrictions-abortion/hyde-amendment>.
- 11 Boonstra, H. D. 2016. Abortion in the Lives of Women Struggling Financially: Why Insurance Coverage Matters. *Guttmacher Policy Review* 19(6). <https://www.guttmacher.org/gpr/2016/07/abortion-lives-women-struggling-financially-why-insurance-coverage-matters>.
- 12 Gallup. "Abortion Trends by Age." <https://news.gallup.com/poll/246206/abortion-trends-age.aspx>.



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